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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/889,977	01/04/2002	Johannes Cornelis Blonk	F7453(V)	4398

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UNILEVER
PATENT DEPARTMENT
45 RIVER ROAD
EDGEWATER, NJ 07020

EXAMINER

BECKER, DREW E

ART UNIT PAPER NUMBER

1761

DATE MAILED: 10/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/889,977

Applicant(s)

BLONK ET AL.

Examiner

Drew E Becker

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5/8/05
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Group II will also be examined.

Specification

2. The disclosure is objected to because of the following informalities: it lacks section headings such as "Summary of the Invention".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claim 1, line 6 recites "a springiness... comparable with that of cooked untreated rice". It is not clear what level of "springiness" would be considered "comparable".

6. Claim 1, line 8 recites "sothat". This should be changed to "so that".

7. Claims 1, 3, 5, 7-9, 11-12, 15-16, 18, 20-21 recite "preferably". It is not clear which range is being claimed.

8. Claim 1, line 15 recites "a firmness... comparable with that of cooked untreated rice". It is not clear what level of "firmness" would be considered "comparable".

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9. Claim 3 recites "the surface of the cross-section **consists** of pores". It is not clear how a surface can be made of only open spaces, such as pores.
10. Claim 5 recites "a few holes". It is not clear how many holes would be considered a "few".
11. Claim 5, line 15 recites "it" It is not clear what "it" is.

Claim Rejections - 35 USC § 102

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

13. Claims 1-17, 19, and 21-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Greethead [Pat. No. 4,478,862].

Greethead teaches a method of making a rice product with a microporous structure (column 2, line 60), a preparation time of less than 8 minutes (column 1, line 15), a lack of grittiness, a normal density of 0.8-0.85 kg/l (column 3, line 1), a final density of 0.3-0.6 kg/l (column 3, line 6), a lack of broken kernels, milled or polished rice (column 1, line 9), heat treatment in an annular, fluidized, swirling, toroidal bed (Figure 1, #1-3), a lack of transverse crack and holes greater than 500 microns, the air being at 100-600°C (column 3, line 40), a treatment time of 2-30 seconds (column 2, line 54), a starting water content of 13% (column 6, line 10), and recirculating gas (Figure 1, #16).

Properties such as "springiness", "pore distribution", "colour", "cracks", "rim", and

"internal sponge" would have inherently been possessed by the product of Greethead due to the use of identical materials and method steps.

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Greethead as applied, in view of Wayne [Pat. No. 3,085,013].

Greethead teaches the above mentioned concepts as well as an air blower (column 4, line 11). Greethead does not recite the rotational speed of the blower, namely at less than 50 Hz, or an air velocity of less than 25 m/s. Wayne teaches a method of heating rice in a fluidized bed of air moving at 10.7-61 m/s (column 3, line 10). It would have been obvious to one of ordinary skill in the art to incorporate the air speed of Wayne into the invention of Greethead since both are directed to methods of heating rice, since Greethead already included a fluidized bed of air (Figure 1, #1-3), and since air moving at 10.7-61 m/s was commonly used for heating rice, as shown by Wayne (column 3, line 10). It would have been obvious to one of ordinary skill in the art to operate the blower of Greethead, in view of Wayne, at less than 50 Hz since this speed would have been attempted during the course of normal experimentation, since Greethead simply does

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not state what speed was used, and since Wayne already teaches using air at 10.7-61 m/s (column 3, line 10).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Drew E Becker whose telephone number is 571-272-1396. The examiner can normally be reached on Mon.-Thur. 8am-5pm and every other Fri. 8am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on 571-272-1398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Drew E Becker
Primary Examiner
Art Unit 1761


DREW BECKER
PRIMARY EXAMINER
10-20-09